

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**In re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation**

Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88

This document pertains to:

City of New York v. Amerada Hess Corp. et al.,
Case No. NY-04-CV-03417

**DECLARATION OF JENNIFER KALNINS TEMPLE IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFF'S MOTION *IN LIMINE* NO 10. TO EXCLUDE
EVIDENCE OR ARGUMENT RELATING TO PRIOR REGULATORY
ENFORCEMENT ACTIONS AGAINST THE CITY CONCERNING CITY-OWNED
UNDERGROUND STORAGE TANKS**

JENNIFER KALNINS TEMPLE, an attorney duly licensed to practice law in the State of New York and in the United States District Court for the Southern District of New York, hereby declares the following under penalties of perjury:

1. I am a member of the law firm McDermott Will & Emery LLP, counsel for defendant Exxon Mobil Corporation in the above-captioned case. I respectfully submit this Declaration in further support of *Defendants' Opposition to Plaintiff's Motion in Limine No. 10 to Exclude Evidence or Argument Relating to Prior Regulatory Enforcement Actions Against the City Concerning City-Owned Underground Storage Tanks* (hereinafter "Defendants' Opposition") that is being filed concurrently herewith in the above-captioned case. This Declaration authenticates the exhibit attached and referenced in Defendants' Opposition. In accordance with this Court's Individual Rules and Procedures, only the relevant pages of each exhibit are attached.

2. Attached at Exhibit A are true and correct copies of relevant pages from the Expert Report of Marcel Moreau (Dec. 19, 2008). The attached copies were made on or about May 26, 2009.

3. Attached at Exhibit B are true and correct copies of relevant pages from the NYSDEC Vehicle Refueling Facility Order on Consent (Apr. 21, 1994). The attached copies were made on or about May 26, 2009.

4. Attached at Exhibit C are true and correct copies of relevant pages from the Preliminary Pre-Design Investigation Report for New York Police Department Precinct No. 113 (Jan. 1993). The attached copies were made on or about May 26, 2009.

5. Attached at Exhibit D are true and correct copies of relevant pages from the NYCDDC UST Program Contract PW 348-23 System Performance Data for the 113th and 120th Precincts (Aug. 14, 2001). The attached copies were made on or about May 26, 2009.

6. Attached at Exhibit E are true and correct copies of relevant pages from the Second Errata to the February 6, 2008 Expert Report of David B. Terry, P.G. (Apr. 20, 2009). The attached copies were made on or about May 26, 2009.

7. Attached at Exhibit F are true and correct copies of relevant pages from the Expert Report of Fletcher G. Driscoll, Ph.D. (Mar. 9, 2009). The attached copies were made on or about May 26, 2009.

8. Attached at Exhibit G are true and correct copies of relevant pages from the Expert Site Specific Report of Marcel Moreau, Appendix B (Feb. 6, 2009). The attached copies were made on or about May 26, 2009.

9. Attached at Exhibit H are true and correct copies of relevant pages from the Expert Report of G.D. Beckett, C.Hg. (Feb. 6, 2009). The attached copies were made on or about May 26, 2009.

10. Attached at Exhibit I are true and correct copies of relevant pages from a letter dated February 6, 2009 from S. Amron to J. Pardo. The attached copies were made on or about May 26, 2009.

11. Attached at Exhibit J are true and correct copies of relevant pages from the Deposition Transcript of Daniel Walsh (May 4, 2009). The attached copies were made on or about May 26, 2009.

Dated: May 26, 2009


JENNIFER KALNINS TEMPLE